IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 5586 of 1997

Between:

Employees of Sundaram Motors Secunderabad Rep.by TVS Workers Union having its Regd.Office at No.59,South Marat Street,Madurai and having its branch Office at Sundaram Motors,M.G.Road,Secunderabad rep. by its General Secretary Sri P.S.Rasan.

..... PETITIONER

AND

1 The Union of India, Rep.by the Secretary, Ministry of Labour
Shram Shakti Bhavan, Rafi Marg, New Delhi.
2 The Employees State insurance Corporation, Head Office, New

Delhi, Rep.by its Chairman.

3 The Employees State Insurance Corporation
Regional Office, Adarsh Nagar Hyderabad
Rep.by its Regional Director.
4 The Management of Sundaram Motors (Props:

M/s.T.V.Sundaram Iyengar & Sons Ltd).
M.G.Road Secunderabad
Rep.by its Branch Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the entire records pertaining to the issue of Annexures A & B and grant the following reliefs:

a. Issue a Writ of Mandamus or any other appropriate Writ, Order striking down the Notification No.GSR 582(E) dated 23-12-96 (ANNEXURE 'A') issued by the Govt of India and the circular communication bearing Ref.No.52.N/12/15/96-PICI Dated 1-1-1997 issued by the Regional Director of ESI Corporation, Andhra Pradesh Hyderabad (Annexure - B) declaring the

same as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and is in contravention of Section 95(4) of ESI Act.

b. Declare that Section 2(9) (b) of the Employees State Insurance Act as bad in law and is violative of delegated legislation and is therefore liable to be struck down as ultra virus of the Constitution.

c. Issue a Writ of Mandamus or any other appropriate writ or order holding that none of the workers employed in the 4th respondent drawing above Rs.3,000/- should be covered by the provisions of the Act and the relevant Rules framed thereunder, as a consequence of striking down of the impugned notification and Circular dated 23-12-1996 and 01-01-1997 (Annexures A&B) respectively and

d. Award costs and grant such other relief or reliefs as this Court deems fit to grant in the facts and circumstances of the case.

For the Petitioner: MS. P. Vijaya Sree, Advocate for Ms. G.SUDHA, Advocate.

For Respondents Nos. 1 to 3: MR.V.VENKATESHWARA RAO, Advocate.

For Respondent No.4 : MR.K.SRINIVASA MURTHY, Advocate.

The Court made the following O R D E R:

Ms.P.Vijaya Sree, learned counsel representing Ms.G.Sudha, learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition.

Permission is granted. The writ petition is accordingly dismissed as withdrawn. No order as to costs.

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21-09-2004

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To

1 The Secretary, The Union of India, Ministry of Labour
Shram Shakti Bhavan, Rafi Marg, New Delhi.
2 The Chairman, The Employees State insurance Corporation

Head Office, New Delhi.
3 The Regional Director, The Employees State Insurance Corporation
Regional Office, Adarsh Nagar, Hyderabad.

4 Two C.D copies.